

### **REMARKS**

This response is being filed in reply to the non-final Office Action mailed on July 18, 2007. In that Office Action, claims 1-20 were rejected on prior art grounds. No claim amendments have been made. Accordingly, claims 1-20 remain pending in the application.

#### **Drawing Amendment**

A replacement drawing sheet is being provided to correct the figure label for Fig. 4. No new matter is being added and approval of this drawing change is requested.

#### **Rejections under §102(e)**

Pending claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lange et al. (U.S. Patent No. 6,704,564). Applicant respectfully traverses the rejections for the reasons discussed below.

Applicant's independent claims 1, 11, and 16 involve a method of initiating a vehicle data upload function at a plurality of mobile vehicles. The method includes: monitoring a radio system broadcast channel for a call center initiated vehicle data upload command signal at the plurality of mobile vehicles, determining at the plurality of mobile vehicles whether the vehicle data upload command signal corresponds to a mobile vehicle, extracting the vehicle data upload command signal from the broadcast channel based on the determination, and performing a vehicle data upload function based on the extracted vehicle data upload command signal.

Lange is directed to a method and system for controlling a telecommunications device that allows telecommunications devices to be configured with numerous logical combinations of available filters and triggers without returning the device to a service center for reprogramming. Lange discloses transmitting a trigger configuration signal to the telecommunications device where the signal is stored in memory. As stated in Lange beginning at line 11 of column 4, the trigger configuration signal is an electronic message that instructs the telecommunications device as to the triggers or combinations of triggers to be applied at a given time. Each message trigger is an expression that defines one or

more conditions that must be satisfied for the telecommunications device to transmit a message to a service center. These conditions are based on fixed parameters, such as vehicle or system properties or dynamic values such as speed, temperature, system status, or position.

First and foremost, Lange is missing elements of Applicant's claims. Lange fails to disclose or otherwise teach the elements of Applicant's claims. For example, Applicant's invention as recited in the current claims utilizes a vehicle data upload command signal. However, Lange fails to disclose a vehicle data upload command signal. Rather, Lange actually discloses transmitting trigger configuration signals to the telematics unit and storing the trigger configurations in the unit. Trigger configuration signals do not command the telematics unit to upload data but configure the unit with triggers. Triggers are fixed parameters or dynamic values that define conditions associated with the transmission of a message from the telematics unit. Or, more simply, the triggers allow message transmission when certain parameters are met. But neither the triggers, nor the trigger configuration signals command a vehicle data upload. Therefore, Lange fails to disclose the subject matter of Applicant's step.

Regardless of whether Lange's triggers would be properly considered data upload command signals, Lange also fails to disclose the monitoring a radio system broadcast channel for a call center initiated vehicle data upload command signal at the plurality of mobile vehicles. The Office Action identifies passages that disclose transmitting the trigger configuration signal from a service center that communicates with a plurality of telecommunications devices and the receipt of the signal at a telecommunications device. But, simply transmitting and receiving a signal does not disclose Applicant's step of monitoring a radio system broadcast channel. To the contrary, the examples of telecommunications systems given by Lange for use in his invention are GM's Onstar® and Ford's Rescu™ telematics systems which utilize cellular telephone communication between the service center and each vehicle. Thus, Lange's trigger configurations are delivered individually to each vehicle and so do not involve monitoring a radio system broadcast channel; nor would doing so be inherent. Thus, Lange does not disclose or suggest this feature of Applicant's independent claims 1, 11, and 16.

Moreover, since Lange's transmission is individually targeted and sent to each of the plurality of telecommunications devices, Lange also fails to disclose Applicant's step of determining at the plurality of mobile vehicles whether the vehicle data upload command signal corresponds to a mobile vehicle. There is no reason to do so, since in Lange the service center is individually calling that telecommunications device.

Furthermore, there is no apparent reason why one of ordinary skill in the art would modify Lange's teachings or combine its teachings with another reference to make up for the above-noted deficiencies. More specifically, since Lange individually delivers the trigger configurations to each vehicle being updated, there is no reason why one of ordinary skill in the art would modify his system to monitor a radio system broadcast channel for a vehicle data upload command signal, nor why they would determine whether that receive radio broadcast signal is intended for (corresponds to) that particular vehicle. Accordingly, Applicants submit that claims 1, 11, and 16 are patentable over the prior art. Claims 2-10, 12-15, and 17-20 depend, respectfully, from claims 1, 11 and 16 and should be allowed therewith.

### **Conclusion**

In view of the foregoing, Applicants submit that all claims are allowable. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

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